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Tuesday, 27 May 2008, 10 a.m.

New York

President:	Sir John Sawers	(United Kingdom of Great Britain and Northern Ireland)
Members:	Belgium	Mr. Belle
	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Jurica
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Spatafora
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Arias
	Russian Federation	Mr. Churkin
	South Africa	Mr. Kumalo
	United States of America	Mr. Wolff
	Viet Nam	Mr. Bui The Giang

Agenda

Protection of civilians in armed conflict

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08-35281 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President: I should like to inform the Council that I have received letters from the representatives of Afghanistan, Argentina, Australia, Austria, Canada, Colombia, Georgia, Israel, Japan, Liechtenstein, Mexico, Myanmar, Nigeria, Norway, Peru, Qatar, Slovenia, Switzerland, Syrian Arab Republic and United Arab Emirates, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 21 May 2008 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2008/335 and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council regarding the protection of civilians in armed conflict".

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the meeting in accordance with the rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Mansour (Palestine) took the seat reserved for him at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations. At this meeting, we shall hear a briefing by Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. I welcome him to the Council and now give him the floor.

Mr. Holmes: Thank you, Mr. President, for this opportunity to brief the Security Council again on the protection of civilians in armed conflict.

Mr. President, the mural on the wall behind you, by the Norwegian artist Per Krogh, serves as a compelling reminder of the past —the world rising from the ashes of the Second World War into a period bearing the promise of peace, prosperity and equality.

But it serves also as a vivid reminder of the present — that millions of ordinary people are still trapped in the horror of war and conflict, hoping desperately to rise from the chaos that surrounds them into more peaceful times. It is also a reminder to the Council, to Member States and to the United Nations itself, of our collective responsibility to prevent war, to secure peace and, in its absence, to ensure the protection of civilians.

We see varying degrees of progress on all these fronts. In Kenya, mediation in the wake of post-election unrest reduced the prospects of intensified violence. The consolidation of peace and relative stability continues in Côte d'Ivoire, Nepal, Timor-Leste and, in a more fragile way, Uganda, allowing for the return of internally displaced persons and refugees. At the same time, recent upsurges in violence in recovering areas like Burundi and Southern Sudan are of great concern.

The full deployment of peacekeepers in Chad, the Central African Republic and Darfur has the potential to augment significantly efforts to protect and assist those caught in the turmoil of violence in the region.

But the risks of deterioration are currently very great. It is essential that these missions be given the requisite support and resources to fulfil their mandates.

Last but not least, we see the potential for notable progress towards improved protection for civilians from the devastating impact of cluster munitions. Over 100 States are currently gathered in Dublin to negotiate a treaty banning them. I urge States to seize this historic opportunity and conclude a treaty that has the protection of civilians at its core and that contributes to reducing the dangers they face from these weapons during and after conflict.

Important though this progress is, the stark reality remains that in conflicts throughout the world, countless civilians continue to see their hopes shattered by violence and displacement and their lives blown apart by suicide bombers or ground down by physical and sexual violence, deprivation and neglect.

In just the first five months of this year, more than half a million people have been displaced by conflict, both within and across borders. In Burundi, the Central African Republic, Chad, Somalia and Sudan, over 337,000 civilians have been forced to flee violence this year, some of them not for the first time. In the Democratic Republic of the Congo, the benefits of January's conference on peace, security and development are yet to be felt by those being sheltered in camps and public buildings in the east, including the 175,000 people newly displaced this year.

In Iraq, sectarian violence, as well as armed confrontations around Basra and Sadr City, have forced more thousands from their homes. In Afghanistan, conflict-induced displacement continues to undermine the gains made in the return or resettlement of those previously displaced. In Colombia and Sri Lanka, the threat of further displacement is ever present in some areas, as violence continues.

Of course, displacement is not the only indicator of conflict or of its impact on civilians. Each of the contexts that I have mentioned raises very different concerns for the protection of civilians. Allow me to elaborate today on three that remain particularly acute in many of today's conflicts: the conduct of hostilities, sexual violence and humanitarian access.

First of all, on the conduct of hostilities, civilians continue to account for the majority of casualties in armed conflict, often in flagrant violation of the rules of international humanitarian law governing conduct of hostilities.

In Darfur, for example, civilians remain the principal victims of attacks by Sudanese Armed Forces and the Janjaweed militia. In January and February, aerial bombardments and ground attacks on villages in west Darfur left 115 civilians dead, including elderly and disabled persons, women and children. Earlier this month, attacks on villages in north Darfur, including the bombing of a school, water installations and a market, resulted in further civilian deaths and injuries. Rebel attacks, often mounted from areas of significant civilian population, have also been heavy in civilian casualties.

Last month in Somalia, hundreds of civilians were killed or injured and thousands more were forced to flee their homes due to fighting in Mogadishu between the Government, supported by Ethiopian forces, and non-State armed groups. The number of casualties was no doubt exacerbated through the use of heavy weapons in civilian areas.

Israeli civilians remain subject to physical and psychological suffering caused by indiscriminate rocket and mortar attacks launched from the occupied Palestinian territory. In Gaza, Israeli air attacks and ground incursions continue to result in unacceptable Palestinian civilian casualties.

Non-State armed groups in Colombia continue to perpetrate killings, mass displacements, hostage-taking, sexual violence and forced recruitment of civilians. In Sri Lanka, hundreds of civilians have been killed or injured this year, including in attacks on civilian buses, railway stations and other public places. Only last month, over 40 civilians, including the Government's Highways Minister, were killed in separate suicide attacks. Yesterday, nine people died and 73 were injured when a bomb exploded on a busy commuter train in Dehiwela, a suburb of Colombo. Last Friday, a roadside bomb in Kilinochchi killed 17 civilians, on a main road used to reach families displaced by the conflict.

In Afghanistan, 300 civilians were killed in the first four months of this year in attacks by so-called anti-Government elements, the majority in suicide attacks. Though often aimed at military targets, the manner in which these suicide attacks are carried out almost inevitably leads to civilian casualties. Similarly, in Iraq, suicide attacks continue to be used with

chilling effect, while members of professional and religious groups, the media, and Government officials are targeted for assassination and abduction.

In both these contexts, I remain concerned also by civilian casualties resulting from air strikes and search operations conducted by national and multinational forces, as well as the number of so-called force protection incidents in which civilians are shot at after being considered a threat to military convoys or for not obeying instructions at checkpoints.

I do not for one second underestimate the challenge, in Afghanistan, Iraq and other contexts, of engaging an enemy whose members are difficult, if not impossible, to identify, and who see the surrounding civilian population as a shield from attack. This is an enemy for whom the principles of distinction and proportionality appear to have no practical meaning or application. Nevertheless, any military response must itself comply with international humanitarian law and demonstrate respect for the dignity of those already exposed to insurgent attacks.

Against this background, I welcome the inclusion in relevant Council resolutions of provisions calling for all parties to conflict to comply with international humanitarian law, including in resolutions authorizing multinational forces in Afghanistan and Iraq. I would encourage the continued and systematic inclusion of provisions to this effect in all relevant Council resolutions.

I also welcome efforts made by the International Security Assistance Force (ISAF) and other international forces in Afghanistan to minimize the risk of civilian casualties. Nonetheless, I would reiterate the Secretary-General's recommendation, from October's protection of civilians report, that ISAF and the multinational force in Iraq provide information in their quarterly reports to the Council on steps taken to ensure the protection of civilians in the conduct of hostilities.

Turning to sexual violence, we need further robust action to prevent and respond to such violence during armed conflict. Anything less risks condemning current and future generations of women and girls, and boys and men, to indescribable humiliation and cruelty followed by, for those who survive or who are born from such violence, a life defined by pain, stigma and rejection.

Following October's presidential statement on women, peace and security, Under-Secretaries-General Arbour, Guéhenno and I asked peacekeeping missions to provide improved reporting on sexual violence. This will help build a better picture of the problem in different contexts and allow for more targeted prevention and response activities by the missions and other actors. A conference begins today in the United Kingdom, bringing together military commanders, United Nations actors and some Member States to discuss practical actions that could be taken by peacekeepers in this area. We still have problems ourselves in this area and we also recognize that we have much more to do.

The Democratic Republic of the Congo has long been at the centre of our discussions on sexual violence, given the pervasiveness of the problem there and the sheer brutality with which those crimes are often perpetrated. We have long urged the Government and other actors on the ground to seek to address the issue. In March, the Ministry of Gender, Family and Children, in partnership with United Nations and civil society actors, launched a national campaign to raise awareness of sexual violence and the need for accountability. This is a welcome step, as was President Kabila's reaffirmation of his zero-tolerance policy on sexual violence during the Conference on Peace, Security and Development in January.

But we need to intensify our efforts to make this zero-tolerance a reality. This includes reversing, in places like the Democratic Republic of the Congo, the continued failure of the police and judiciary to take sexual violence seriously. Ineffective investigations, minimal prosecutions, interference by military and other officials in the administration of justice: these are all practices which have to stop. They are an affront to the rights of victims and serve only to reinforce the culture of impunity on which sexual violence has thrived for so long.

They also reaffirm the importance of the Secretary-General's recommendation in the protection of civilians report that consideration be given to establishing ad hoc judicial arrangements to support the national authorities in addressing sexual violence in the Democratic Republic of the Congo. For example, consideration could be given to creating a special, possibly internationalized, chamber within the Congolese criminal courts to prosecute sexual violence cases.

The Secretary-General also recommended using targeted sanctions in response to sexual violence. I welcome provisions in Council resolution 1807 on the Democratic Republic of the Congo that foresee the possibility of imposing such measures against the perpetrators of sexual violence. It is essential that the Group of Experts and the Committee of the Council have the necessary capacity to ensure implementation of these provisions and that Member States apply the required measures.

This problem must be approached with the same degree of concerted action wherever it occurs. I welcome provisions in Council resolution 1794 regarding the need to ensure accountability for the perpetrators of sexual violence and requesting the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to pursue a mission-wide strategy on sexual violence and to report regularly to the Council on actions taken. But I would like to have seen similar requirements in subsequent Council resolutions 1795 and 1812 on Côte d'Ivoire and the Sudan respectively.

The Democratic Republic of the Congo may stand apart in terms of the intensity of sexual violence. But it is no less essential that we take action to prevent the same horrific crimes against the displaced persons returning home to southern Sudan; or that we seek accountability for those who raped their way across Côte d'Ivoire and ensure support to their victims. It is precisely this need for consistency in approach that stands behind the proposed expert group of the Council, to which I shall return.

The third issue on which I would like to focus is humanitarian access. Safe, timely and unhindered access is fundamental to our efforts to protect civilians and assist those in need. Yet, throughout the world, including in countries on the Council's agenda, the harsh reality is that millions of people in need of protection and assistance remain beyond our reach owing to a variety of constraints.

Overall, improving access in concrete and practical terms remains a key priority for me. The Office for the Coordination of Humanitarian Affairs (OCHA) is continuing to develop a mechanism to enhance its capacity for reporting and analysis on access constraints in conflict settings. This analysis will be annexed to future reports of the Secretary-General on the protection of civilians and included in my briefings to the Council.

The intention is not to establish a league table of situations, ranked according to the severity of access constraints. Rather, it is intended to provide a disaggregated and qualitative picture of access constraints and their humanitarian impact.

It should provide a clearer understanding of how constraints impact different humanitarian actors, that is how insecurity impacts differently on United Nations agencies, international and national non-governmental organizations (NGOs). It will help to identify programmes that are seen by parties to a given conflict as more acceptable and which may constitute possible entry points from which operations can be expanded. In Afghanistan, for example, insurgent groups tend to be more disposed towards health programmes and those that provide employment opportunities for local populations.

The analysis will also help to identify emerging trends and patterns, such as the increased presence of commercial enterprises that are prepared to "pay for access". Such practices will, inevitably, have unwelcome implications for free and unhindered access by humanitarian actors working in the same area. Ultimately, the analysis should provide the basis for more nuanced, targeted and practical measures to mitigate access constraints.

One known key factor in all this is the degree of acceptance of humanitarian actors by local populations and parties to the conflict. This is critical for reducing security risks and enhancing access. This means good local knowledge and contacts, as well as constant reassertion to all concerned of the need for full respect for humanitarian principles. It also requires sustained and consistent dialogue about principles and needs with all actors who can facilitate our access to people in need. And that may, in some situations, include those seen by many as terrorists.

Not all constraints on access constitute violations of international humanitarian law. For example, some result from the absence, or poor state, of roads or other infrastructure, such as in the Democratic Republic of Congo. Climatic conditions make areas inaccessible during rainy seasons when rivers cannot be crossed, or in winter, in periods of heavy snowfall, a particular problem in parts of Afghanistan. Sometimes, our access is temporarily constrained by active fighting.

Other constraints clearly are violations of international humanitarian law. One of the most alarming and direct threats to humanitarian operations today stems from deliberate attacks against humanitarian workers in addition to other security-related incidents. Often it is difficult to determine the motivation of the perpetrators and their affiliation. Are they connected with a party to the conflict? Are they targeting humanitarian staff, whom they do not perceive as neutral? Are they armed or criminal elements taking advantage of the climate of insecurity and preying on a soft target? Or is there some personal or revenge motive?

Less than four weeks ago, Save the Children's Country Director in Chad was killed when his convoy was attacked by unidentified gunmen, underlining the increasingly dangerous operating environment for humanitarian workers in that country.

Across the border in Darfur, seven humanitarian workers were killed and 109 abducted in the first four months of this year. 131 agency vehicles were hijacked and humanitarian premises broken into by armed actors on 52 occasions. Humanitarian workers have been forced to relocate from areas of operation on eight occasions, disrupting the provision of vital assistance to populations in several locations.

In Somalia, 12 humanitarian staff were killed in the first five months of this year. The threat of violence is exacerbated by public threats and accusations of partisan behaviour levied against the humanitarian community by the Government and armed groups. In Afghanistan, a significant proportion of attacks against NGO staff by anti-Government elements are said to be motivated by perceived support for the Government on the part of NGOs.

Another major constraint on our operations stems from restrictions on the movement of staff and goods owing to checkpoints and spontaneous roadblocks. In Somalia, the proliferation of such obstacles has led to severe delays, diversion and looting of relief items and additional costs incurred through charges levied at checkpoints, which can run into hundreds of dollars. Between October 2007 and March 2008, the number of checkpoints on routes used by the World Food Programme increased from 224 to 311.

In a different and less dangerous but no less frustrating context, in the West Bank, there are still over 600 checkpoints and roadblocks, though I hope recent promised reductions will improve this situation. Between November 2007 and April 2008, United Nations vehicles experienced delays or were turned back at checkpoints on 516 occasions. Over 4,000 staff hours were lost due to delays or denials of access at checkpoints in March 2008.

Interference in humanitarian activities or the overt diversion of aid is another significant constraint on our operations in some contexts. In Somalia, for example, we face an acute phenomenon of so-called gatekeepers who try to control access to communities in need, often in return for a portion of the aid being provided.

Another major constraint stems from bureaucratic requirements for the entry and movement of staff and goods. For example, requirements governing the entry into Sri Lanka of humanitarian personnel and relief items continue to impede our operations. The entry of international staff designated for work in conflict areas requires the authorization of three ministries and many staff hours to process the necessary documents.

Operations in Sri Lanka are further constrained by restrictions on the amount, type and mode of transportation of relief goods and other items. For example, restrictions on the movement of construction materials and fuel from Government to Liberation Tigers of Tamil Eelam-controlled areas is affecting shelter and sanitation activities.

Ad hoc demands and requirements by officials at the local level also reduce, or paralyse, the passage of assistance. In North Darfur, for example, the Wali issued a decree earlier this month directing the cessation of flights to and from El Fasher by the United Nations and other organizations and the suspension of road travel outside El Fasher for the United Nations and NGOs. While United Nations flights resumed the following day, the ban on road travel has effectively curtailed access throughout the State except for in, and around, the major humanitarian hubs.

While clearly outside the scope of this report and debate, I note in passing that access can, of course, be an issue not only in situations of conflict but also in the aftermath of natural disasters, as we have seen most recently following Cyclone Nargis. I hope this issue is now resolved, but implementation will be key. Meanwhile, this example demonstrates that we must find a satisfactory way of dealing with access issues for natural disasters as well.

As I hope you will see from this, the issue of constraints on access is complex. But the issue is crucial. We are continuing our analysis so that the first fruits will be available to the Council in the autumn.

Vital progress has been made in the nine years since the Council first considered the protection of civilians in armed conflict. There is increased awareness among Member States of the issues involved and their relevance to the Council's work. Four thematic resolutions on the protection of civilians, in particular resolution 1674 (2006), have established a comprehensive — and ambitious — framework for action. The challenge now is to realize that ambition and ensure the systematic consideration of protection of civilians issues in the Council's work.

To this end, I would emphasize the importance that we and, I believe, a number of Council members, attach to the Secretary-General's recommendation for the creation of a Security Council expert group on the protection of civilians.

For those who harbour reservations, let me be clear that we are not proposing a subsidiary body of the Council with the bureaucratic and resource issues that that implies.

Rather, we envisage an informal forum that would bring together all of the Council Member States at the expert level for transparent, systematic and timely consultation on protection of civilians concerns, particularly, but not only, in the context of the establishment or renewal of peacekeeping mandates.

The Security Council has come far in addressing the protection of civilians in armed conflict. But I believe the Council could go further. A more consistent approach to integrating the protection of civilians into all relevant aspects of the Council's work could make a very real difference to the lives of millions of people trapped in the chaos and horror of war.

An expert group of the kind I have described would, I believe, be a useful vehicle to help take you there.

The President: In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the text in writing and to deliver a condensed version when speaking in the Chamber.

I shall now give the floor to members of the Council.

Mr. Spatafora (Italy): I thank you, Mr. President, for organizing this debate and once again bringing to our attention an issue that is and must remain, as the Secretary-General said to us last November in vibrant and powerful words, "an absolute priority" (*S/PV.5781, p. 2*) for the Security Council and for Member States.

Italy fully associates itself with the statement to be delivered later by the Republic of Slovenia on behalf of the European Union. I will just add a few remarks.

We warmly welcome the statement of Under-Secretary-General Holmes and his extremely focused and action-oriented approach. He has offered us, I would say, a really outstanding, very disturbing, frustrating and almost appalling briefing.

We all know and welcome the progress made by the Security Council on this issue as recalled by Mr. Holmes. First of all, resolution 1674 (2006) reaffirms the principle of the responsibility to protect, a "cardinal achievement" (*S/2007/643, para. 11*) of our Organization and one that must be read and operationalized in a non-confrontational manner. In general terms, concerning the protection of civilians in armed conflict, I feel that the briefing of the Under-Secretary-General requires us, for our part, to look at the issue with a ground-centred operational approach, as he has done. We must never lose sight of the fact that what matters most at the end of the day is if and how we are able to deliver and have an impact on the ground in bringing relief to those who suffer.

I think that is why the briefing of Under-Secretary-General Holmes is so disturbing: because it questions how much of an impact we are able to have. In fact, as I was saying, the Under-Secretary-General paints a very disturbing and troubling picture of conflict situations throughout the world, including constraints and denials of access of humanitarian personnel to vulnerable people caught in conflict and negative developments in the conduct of hostilities, among which is the scourge of sexual violence. We are convinced that when used as a method of warfare and when it deliberately targets the civilian population or is part of a widespread attack against civilian population,

sexual violence in situations of armed conflict is a threat to international peace and security, and therefore the business of this Council. It is time that we fulfil our responsibility and move from merely denouncing those crimes to taking concrete action to end them.

In operational terms, the most recent report of the Secretary-General (S/2007/643) was very clear, precise and focused on which actions we need to take in the following weeks and months. We are strongly in favour of the proposal regarding an informal forum for consultations on protection concerns at the expert level among Council members. Here I will not repeat what was so eloquently clarified by Ambassador Holmes. I definitely think that that informal mechanism for consultations would enable us to facilitate a systematic consideration of the protection of civilians in the Council's deliberations, specifically when considering the establishment, assessment and renewal of peacekeeping mandates. There should be no new mechanisms, just, as underlined by Under-Secretary-General Holmes, an informal gathering, a "light" tool for that enhanced operational and ground-centred approach I was just referring to. It will make the difference if it will give an added value to this ground-centred approach. I call on my colleagues: let us deliver on such proposed action and try to sit down at the same table. Discussing together is the best way of achieving our goal. Once again, what is at stake is our credibility in delivering.

I have just two final remarks on other operational tools.

First, on peacekeeping, United Nations operations must be clearly mandated to ensure the protection of civilians and subsequently report on it. Once again, I welcome the joint study being conducted by the Office for the Coordination of Humanitarian Affairs and Department of Peacekeeping Operations, mentioned in the report of the Secretary-General.

Secondly, on access, we have greatly appreciated the update received on the enhanced mechanism for the monitoring and reporting system. More systematic and timely reports by the Emergency Relief Coordinator to the Council on serious access constraints are necessary. We need an effective system of proactive monitoring and prevention, and here I would like to underline the term "proactive". The attention of the Council must be drawn to the different types of access constraints — which do not necessarily mean violations, as has been highlighted — as soon as they arise. And then we must react and find ways of being effective operationally and not just through statements. We do not have the luxury of wasting time when innocent lives are at stake.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The Chinese delegation wishes to thank Under-Secretary-General Holmes for his detailed and informative briefing. The Chinese delegation also appreciates his efforts and his extensive work on the ground since he took office. We express our positive assessment of the work accomplished by the relevant United Nations agencies on the ground for many years.

The Security Council has been discussing the protection of civilians in armed conflict for almost a decade and has adopted many resolutions and presidential statements on the matter, including resolution 1674 (2006), which constitutes the legal framework within which the Security Council may address this issue.

However, as the characteristics of conflicts change and the complexity of interwoven issues increases, many civilians are still being negatively affected by armed conflict. The implementation of the aforementioned resolutions still faces challenges. We express our profound concern about the threat to the life and property of civilians in armed conflict and call upon the parties involved in conflict to comply with international humanitarian law and the relevant resolutions of the Security Council and to protect the life, property and legitimate rights and interests of civilians.

On this occasion, I would like to highlight the following points on how to improve the protection of civilians in armed conflict.

First, the Security Council should strengthen its efforts to prevent conflict and safeguard peace. Civilians are a vulnerable group in situations of armed conflict. The best protection that can be offered to civilians is to prevent and reduce armed conflicts. The Security Council should proceed to take action within its mandate to prevent and reduce armed conflicts, improve the effectiveness of peacekeeping operations and improve the humanitarian situation in conflict areas. Meanwhile, the Security Council should not approach the question of civilians in an isolated manner. It should take an integrated approach to addressing the issue as an integral part of the peace

process and the complex political situation in a given conflict area.

Secondly, the role of national Governments in the protection of civilians should be respected and supported. The primary responsibility for the protection of civilians lies with national Governments. The international community and external forces can provide constructive help and support. However, they should provide this in compliance with the provisions of the Charter of the United Nations and in full respect for the will of the countries concerned. It should not undermine the sovereignty and territorial integrity of the countries concerned and, still less, intervene forcibly.

Thirdly, when discussing the protection of civilians in armed conflict, the Security Council should approach the concept of the responsibility to protect — and especially its application — with great prudence. The Final Document of the 2005 World Summit devoted a lengthy section to a very careful description of the responsibility to protect civilians from massacres, war crimes, genocide and crimes against humanity. It also indicated that that concept should be further considered by the General Assembly. Many members are currently deeply concerned about the concept of the responsibility to protect, and the relevant discussions should therefore be pursued in the United Nations. The Security Council is in no position to interpret or expand the concept of the responsibility to protect at will, much less to abuse it.

Fourthly, humanitarian assistance should be delivered in accordance with the principles of fairness, neutrality, objectivity and independence. Humanitarian relief is closely and practically linked to the protection of civilians. Humanitarian relief agencies provide assistance and support to civilians in dangerous circumstances. Those efforts should be appreciated and acknowledged. Moreover, humanitarian assistance must retain its credibility and humanitarian nature. It should be undertaken in accordance with international humanitarian law and the principles of fairness and neutrality. It should not be allowed to become embroiled in local political disputes or involved in actions that affect the peace process on the ground.

The protection of civilians in armed conflict cannot rely solely on the efforts of the Security Council. We expect the General Assembly, the Economic and Social Council and the Human Rights Council to play a greater role. We also encourage the United Nations Development Programme, the World Bank and other international agencies, as well as such regional organizations as the African Union, to play their role in helping the countries concerned in their economic development, the resolution of their conflicts and the promotion of reconstruction. We also welcome the positive role that non-governmental organizations play in that regard.

China is prepared to join with the rest of the international community in a solid and effective effort to enhance the protection of civilians in armed conflict and achieve more constructive results.

Mr. Kumalo (South Africa): My delegation wishes to thank the United Kingdom presidency for organizing this open debate on the protection of civilians in armed conflict. We also commend the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. John Holmes, for briefing the Council.

In armed conflicts around the world, civilians continue to be displaced, killed, maimed and often raped. According to the Secretary-General's report, for 35 million people around the world, flight has become the only option. The deliberate targeting of civilians and the indiscriminate and excessive use of force, including suicide attacks, have become widespread in certain places, creating a climate of fear aimed at further destabilizing and displacing civilian populations. In other conflict situations, even militarily superior parties, including multinational forces, are often compelled to respond with methods and means of warfare that violate the principles of distinction and proportionality, of which civilians again bear the brunt.

Therefore, addressing the specific protection needs of women and children remains an important matter for the United Nations system. My delegation reiterates our support for the implementation of resolutions 1325 (2000) on women, peace and security and 1612 (2005) on children and armed conflict. That means that concrete proposals are also needed to ensure the right of refugees and internally displaced persons to safe and unimpeded voluntary return.

South Africa, as a signatory to the Geneva Conventions of 1949 and its two Additional Protocols of 1977, wishes to underline the importance of adhering to the principles contained in those Conventions and to appeal for the full implementation

of the commitments made by all States parties to those basic tenets of international law. The Security Council should also continue to call upon all parties to conflict, including multinational forces authorized by the Council, to uphold their international humanitarian law and human rights obligations and to report on steps taken to ensure the protection of civilians during the conduct of hostilities.

The issue of humanitarian access will require further attention so as to find ways to ensure that those in need of life-saving assistance receive it and that those who provide it do so in a secure environment in which attacks on humanitarian workers are not tolerated.

According to the Secretary-General's current report, constraints on or denials of access can take several forms. Those are constraints imposed by the operating environment, such as the destruction of infrastructure; the attempts by parties to conflict to restrict or block access; time-consuming bureaucratic procedures for importing humanitarian supplies and restrictions, or delays in issuing visas and travel permits for humanitarian personnel; and the constraints resulting from deliberate attacks on humanitarian workers.

The Council should look into the Secretary-General's proposal for establishing mechanisms to enable United Nations humanitarian agencies to have some working-level dialogue with all parties to armed conflict on the ground. Such dialogue would be necessary for establishing "deconflicting" arrangements to agree upon the routes and timing of humanitarian convoys and airlifts to avoid accidental strikes on humanitarian operations. Such dialogue would also promote humanitarian corridors and days of tranquillity.

In the case of the occupied Palestinian territories, the blockade should be lifted so that the Office for the Coordination of Humanitarian Affairs can have contact and dialogue with all parties, particularly in Gaza, and provide the necessary humanitarian assistance. Therefore, it is important that humanitarian assistance continues to be provided in accordance with the principles of humanity, neutrality, impartiality and independence.

The protection of civilians in armed conflict must remain a priority of the United Nations system. My delegation is therefore of the view that finding a common solution to the protection of civilians would need the cooperation of each and every Member State. We further believe that the protection of civilians would be better addressed in partnership with regional mechanisms, and that strengthening dialogue and cooperation between the Security Council and regional organizations would contribute to tackling common security challenges and ensuring speedy action on the ground.

Finally, allow me to convey my delegation's deep regret at the tragic killings that took place earlier this month of two aid workers, a World Food Programme-contracted truck driver in Somalia and a country director of Save the Children in eastern Chad. The deaths of those humanitarian workers underline yet again the dangerous and volatile environment that aid workers have to endure in giving assistance to civilians caught in armed conflict. The loss of their service is a loss to all of us.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): Thank you, Mr. President. I would like to thank you for having convened this important meeting and thank Mr. Holmes for his valuable report on the current situation in the field and the principal challenges linked with the protection of civilians in armed conflict.

My delegation would have preferred to hear about today's panorama in very different terms from those that the Council encountered six months ago. However, once again we are witness to situations in which many Governments disregard the pressing needs of their populations. It is regrettable that those allegedly responsible for serious crimes, including some who have been called before the International Court of Justice, go unpunished, making a mockery of international law and justice.

As Mr. Holmes has told us today, there are many and very diverse obstacles to protecting civilians. My delegation wishes to highlight limitations on humanitarian access, as we have seen in Myanmar in recent weeks, as well as other obstacles that prevent the deployment of peacekeeping missions, as we see in Sudan, where the Government raises obstacles to the full implementation of the mandate of the African Union-United Nations Hybrid Operation in Darfur. Violations of international law in the conduct of hostilities are also a source of concern to us, such as the use of human shields by terrorist groups and the

indiscriminate use of force by private security companies and the multinational force in Iraq, or deliberate attacks against civilians in the conflict between Israel and Palestine. There, civilians, particularly children and women, are direct victims of the escalation of violence through rocket attacks, military incursions or the obstruction of a continuous supply of humanitarian assistance. Sexual violence and gender-based violence, used as a weapon of war, as we see in Sudan and in the Democratic Republic of the Congo, are also a particular source of concern to my delegation.

On this topic, as a member of the open-ended group that last year adopted a strategy of providing support to the victims of sexual exploitation and abuse by United Nations personnel and associated staff, I was very distressed to see the report on Save the Children in the *London Daily Telegraph* today, reporting on what seems to be an abiding problem — the abuse and sexual misuse linked to United Nations staff, even to humanitarian personnel. That has cast a shadow over the whole Organization, which is the lesser evil. The greater evil is the fate of the children — the boys and girls, as well as adults, who are victims of those terrible acts. Zero tolerance must stop being just a slogan used to condemn sexual violence as a tool of war or intimidation. It should also stimulate our efforts to ensure that humanitarian staff, and United Nations personnel, in particular, are always seen as bringing relief, hope, peace and well-being to those whom we are committed and obliged to protect.

My delegation is also concerned by the continuing use of cluster bombs, which are killing innocent people along the borders between Lebanon and Israel. We could go on listing all types of situations where owing to different factors, but in particular a lack of political will, hundreds of thousands of civilians are killed or are the direct targets of this violence daily. We see it in Sudan, in Somalia, in Chad and in the Democratic Republic of the Congo, where it is clear the protection of civilians must be part of the political strategy to reduce short and long-term risks to the population while there is action to provide physical protection and the vital assistance they need to survive. It must be clear to us that, while humanitarian assistance and peacekeeping missions are important protection mechanisms, these are only temporary solutions, that are unsustainable without the appropriate political framework, as sadly we see in Somalia, where for the time being it is not even possible to deploy a peacekeeping operation and hundreds of people are dying every day.

We clearly understand that constrained resources are one of the greatest challenges for missions, such as in Sudan and the Democratic Republic of the Congo, when it comes to discharging their mandate appropriately. But we must bear in mind that the same resources could produce far greater dividends, if they were also invested in tackling the roots and causes of the conflict. A development-based perspective on protection could, for instance, provide increased access to water in cases like Sudan, where the struggle for access to natural resources is an important part of the conflict. That is why we restate our appeal that, every time the Council extends or authorizes a peacekeeping mission, it should incorporate a suitable peacebuilding component, with coordination of United Nations system activities, so as to turn it into an integrated mission.

My delegation is concerned by the fact that, although the majority of us agree that the protection of civilians is a general objective and one of the main justifications for United Nations presence in the field, at the same time we lack a unified and adequate understanding of the topics and dimensions that comprise the protection of civilians, particularly in multi-agency operations, where a concerted focus is particularly necessary to provide effective protection.

The different political, humanitarian, military and development components of the various United Nations missions in the field lack such an integrated focus on the protection of civilians. Compliance with protection mandates depends on the interpretation that each mission wishes to give it. The protection of civilians should be one of the main mandates in any United Nations mission in the field, whether it is a peacekeeping operation, or a political or peacebuilding mission. As established in resolution 1674 (2006), we must work on drawing up clear guidelines to ensure effective coordination among the various actors involved, in particular between the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations.

My country gives priority to the Council receiving extensive information on the implementation of the eight civilian-protection mandates created since 1999 so that we may assess their effectiveness and

impact in the field and take the necessary measures to strengthen them and extend their application to other situations where it may be necessary.

Finally, my delegation would like to say that it looks favourably upon the recommendations to create a working group on the protection of civilians in armed conflict. This could be a useful tool to strengthen the work of the Council in this field through ample, systematic and, above all, continuous analysis and debate of the necessities for protection in each case.

Mr. Wolff (United States of America): We appreciate the opportunity provided by this meeting for the Council to reaffirm its steadfast commitment to the protection of civilians in armed conflict. I would also like to thank Under-Secretary-General Holmes for his briefing and continued hard work in this area.

Although today's presentation makes clear that there have been some positive developments since we last discussed this issue, much remains to be done if the international community is to achieve an adequate level of protection for civilians in armed conflict. As my delegation has stated before, the primary responsibility for protecting civilians lies with the parties to the armed conflict and the national governments concerned. However, the efforts of the United Nations should support and reinforce that role. In situations where either the national Government or the parties to an armed conflict are unable or unwilling to protect civilians, the international community can play an important role.

I would like to address the four challenges highlighted by Under-Secretary-General Holmes and in the Secretary-General's report (S/2007/643).

The United States shares the view that we must stand ready to help ensure the safety and security of the courageous and dedicated humanitarian workers who attempt to provide relief throughout the world. As we all know, there is a lack of humanitarian access in many areas of conflict that must be urgently addressed.

In particular, we support the goal of the return of the United Nations Political Office for Somalia, and critical elements of the United Nations country team from Kenya to Somalia, as soon as it is feasible, which will help the United Nations to coordinate humanitarian relief. We urge all parties to facilitate the critical work of the United Nations and humanitarian non-governmental organizations. In that regard, we welcome the recent appointment by Somali Prime Minister Nur Adde Hassan Hussein of a humanitarian focal point. We look forward to that appointment facilitating humanitarian work in Somalia.

Regrettably, this challenge exists elsewhere in Africa. As has been necessary to state all too often in the Chamber, millions of people in the Darfur region of the Sudan are at the mercy of the humanitarian assistance lifeline provided by the international community. But that aid continues to be hindered by Government and rebel actions and inaction, despite agreements and promises to the contrary.

The hardships facing the Israeli population in southern Israel and the Palestinian people in Gaza also rightly merit the continued concern of the international community. Recent terrorist attacks by Hamas only exacerbate the plight of the Palestinian people, by making it more difficult for the international community to deliver much-needed humanitarian assistance and goods to the people of Gaza. While Israel has an unquestionable right to defend itself against terrorist attacks, we urge the Government of Israel, when responding to attacks, to take all appropriate steps to avoid civilian casualties and to minimize the impact on innocent civilians.

My Government remains gravely concerned about the ongoing and widespread use of sexual and gender-based violence in conflict situations throughout the world. It is one of the most significant protection challenges, and one that is too often ignored. Sexual and gender-based violence must be more effectively addressed. United Nations peacekeeping missions have a clear role to play in preventing that violence and addressing its impact. The United States condemns sexual violence as an instrument of policy and calls on all Member States to end that gross injustice. We were encouraged last fall by the adoption without a vote of General Assembly resolution 62/134, calling on States to end impunity by prosecuting and punishing those who use rape and other sexual violence to advance military or political objectives, to protect and support victims, and to develop and implement comprehensive strategies on prevention and prosecution of rape. The United States urges all Member States to take concrete steps to end both the use of rape as an instrument of war and impunity for perpetrators. During my Government's presidency of the Security Council in June, in a further effort to continue progress in that area, we and others will pursue a draft resolution

addressing the role of women in conflict, in particular as regards sexual violence in situations of armed conflict, as part of a ministerial-level meeting on women in conflict.

The United States continues to seek comprehensive approaches to resolve protracted refugee situations in all parts of the world through support for durable solutions. We also seek innovative approaches to develop livelihood strategies and to maximize opportunities for refugees, self-reliance and empowerment.

Where conflict is causing civilians to flee and seek asylum, we are actively working with other Governments to provide protection to those in need. We call on all Member States to renew their commitment to uphold the right to asylum, to protect civilians from forcible return to face persecution and to provide durable solutions for refugees.

The United States shares many of the humanitarian concerns associated with the use of cluster munitions expressed in the Secretary-General's report. My delegation wishes to make clear that the United States is committed to reducing the harm that those weapons can cause to civilian populations. However, we do not share the Secretary-General's conclusions and related recommendations regarding the desirability of a treaty emerging from the Oslo process. We do not believe that abandoning cluster munitions is tenable from a military standpoint, or that banning them without the participation of those States most likely to use cluster munitions is the option that will have the greatest positive humanitarian impact. Rather, my Government believes that a useful agreement that would include all the primary users and producers of cluster munitions is possible in the framework of the Convention on Certain Conventional Weapons. Thus far, negotiations in the context of the Convention have been positive. The first two sessions have produced some real progress towards a document. The July 2008 session will be pivotal to our work, and the United States is preparing to make intensive efforts at that session. We remain hopeful that an agreement can be achieved this year.

The United States remains committed to the protection of civilians in armed conflict, in connection both with the work of the Council and with our activities throughout the world. In that regard, we commend the Secretary-General and Under-Secretary-General Holmes for their efforts and personal commitment to help the people of Burma in the aftermath of cyclone Nargis, in particular by pushing for unhindered access by international humanitarian experts and workers to conduct a thorough assessment of the situation and to accelerate the flow of desperately needed humanitarian assistance.

Overall, the United States would like to encourage strong Security Council and multilateral action generally to deal with one key source of humanitarian crises in armed conflict, that is, Governments or actors that deliberately target or fail to protect civilians and generally fail to respect the protected status of civilians and civilian objects. In that regard, my Government fully shares the Secretary-General's concerns about any erosion of the principle of distinction, which requires parties to armed conflict to distinguish at all times between combatants and civilians and to direct attacks only against combatants and military objectives, as well as about the all-too-frequent disregard for the principle of proportionality in balancing harm to civilians and civilian objects against military gain in a particular attack. As the Secretary-General's most recent report correctly declares, "Deliberate targeting of civilians has become more widespread" (*S/2007/643, para. 22*).

In closing, the United States once again commends the Secretary-General, the Office for the Coordination of Humanitarian Affairs (OCHA) and OCHA's humanitarian partners for their dedicated work in life and death situations to provide assistance and to be advocates for the protection of civilians, particularly children, women, the elderly and other vulnerable groups.

Mr. Bui The Giang (Viet Nam): I wish, first of all, to thank you, Mr. President, for convening this open debate on a very important topic. I take this opportunity to express my delegation's appreciation to Under-Secretary-General Holmes for his comprehensive briefing. We are convinced that periodic briefings on this issue constitute a critical mechanism to update the Security Council on the situation and to take appropriate measures.

My delegation joins other Council members in welcoming efforts made by the Office for the Coordination of Humanitarian Affairs (OCHA) and United Nations missions to protect civilians in armed conflict. We also recognize the progress they have

made in recent years, which has contributed to lessening civilian suffering in some parts of the world. The most notable recent cases include the United Nations missions in Côte d'Ivoire, Timor-Leste and Nepal.

However, we are deeply concerned about the worsening situations in many areas where civilians — first and foremost women and children — continue to fall victim to killings, maiming, abuse, humiliation and other inhumane treatment. We recall with concern the alert raised two weeks ago by Under-Secretary-General Jean-Marie Guéhenno (see S/PV.5892) with regard to attacks on villages occupied by civilians in North and South Darfur, as well as the alert raised in great detail today by Under-Secretary-General John Holmes with regard to pervasive hostilities in many countries in Africa, Asia, the Middle East and Latin America. These, plus sexual and gender-based violence in the Democratic Republic of the Congo and elsewhere, represent a strong warning that the efforts of United Nations bodies and Member States are not enough.

While sharing the view that humanitarian access, among other things, is critical to protecting civilians in armed conflict, we hold that humanitarian access and assistance should be independent of political and military measures, in keeping with the principles of humanity, neutrality, impartiality and independence and in conformity with national and international law. We are mindful of the millions of people who are still excluded from access to life-saving assistance and of continued attacks targeting United Nations personnel, relief workers and other humanitarian staff in many conflict places. Beyond the detailed account of attacks on humanitarian workers that Under-Secretary-General Holmes has just given us, the recent ambush of four United Nations peacekeepers in West Darfur and the kidnapping of two Italian volunteers in Somalia are but two of the many examples of this situation. It is therefore urgent now to demand that parties to armed conflicts end hostilities against humanitarian staff and allow them to help people in need.

As we have highlighted during several Council meetings, the best way to protect civilians in armed conflict is to prevent and peacefully resolve armed conflict itself. In that regard, we wish to underline the need to ensure better and closer cooperation and coordination between the Security Council and the General Assembly and other agencies and organizations and between United Nations bodies and regional organizations, for we trust that regional organizations, with their good understanding of regional stakeholders, are well positioned to convince parties to armed conflict to minimize their operations in civilian areas, facilitate humanitarian access and respect humanitarian and human rights law. At the same time, we emphasize that parties to armed conflict should comply with the principles of international humanitarian law relating to distinction and proportionality and refrain from exerting measures against civilians, and that the Security Council should consider the issue of the protection of civilians on a case-by-case basis and in line with the approach endorsed in previous relevant resolutions.

While supporting international cooperation, I would like to reiterate Viet Nam's view that it is States that bear primary responsibility to protect their own civilians and to deal with violence against civilians as well as violations of international humanitarian law. In order to help States fulfil their responsibilities, the United Nations can help improve their national capacity, provide technical assistance and work with them to conduct other awareness-raising activities, for instance through training courses. Bearing that in mind, we hold that the creation and application of any international mechanism should be thoroughly studied with a view to ensuring its efficient, effective and sustainable performance without resulting in an unnecessary financial burden for States, and that such an act should respect national sovereignty, territorial integrity, ownership and self-determination and should be in accordance with the United Nations Charter and international law.

Mr. Arias (Panama) (*spoke in Spanish*): Permit me at the outset to thank you, Mr. President, for the timely convening of this open debate on a topic of great importance on which your country has taken the lead. We also appreciated the briefing by Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, about the alarming situation of civilians in armed conflict.

The Geneva Conventions and their Additional Protocols are the foundation of international humanitarian law. They are the highest expression of international law as regards the protection of civilians in armed conflict. Nevertheless, there are countless obstacles to protecting civilian populations caught in the midst of hostilities, which were extensively described in Mr. Holmes's presentation. Among them

we wish to emphasize restrictions on access for humanitarian assistance owing to security, bureaucratic or logistical factors.

We must also emphasize other challenges to the provision of humanitarian assistance that we consider to be of great importance. These include a lack of clear mandates for humanitarian actions; a lack of monitoring and investigating mechanisms to identify and register the perpetrators of flagrant and systematic violations of international humanitarian law. Among such violations, the use of sexual violence as a weapon of war and, most recently, acts of piracy deserve particular attention.

To confront these challenges, the Security Council must implement a strategic vision for the more effective allocation of existing resources and capacities. Also, the Council should take on a supervisory role and use all the tools at its disposal to identify those who commit such violations and bring them to trial before the relevant judicial bodies. At the same time, the United Nations should carry out preventive activities by collecting and disseminating information, implementing an early-warning system in coordination with regional and subregional organizations, and strengthening State institutions in order to protect human rights, the rule of law and the provisions of basic services.

In parallel, it is important to incorporate — or where it already exists, strengthen — the civilian protection element in current peacekeeping operations. In that context, we agree with the suggestion that a Security Council working group on the protection of civilians in armed conflict be established.

In the sphere of international justice, the International Criminal Court is, without question, the key instrument for avoiding the obstacles I have mentioned and deterring parties from ignoring the rules in this area. Unfortunately, initiating a case and gathering evidence can sometimes be an enormously complex and difficult task owing to the situation on the ground. Hence, we encourage all States Members of the United Nations to help the Court in its work by providing the resources and evidence needed to punish the perpetrators of crimes in conflict areas.

Nor can we forget that the protection of civilians is relevant not only during armed conflict. The international community must also support States in meeting the most pressing needs of their populations when those populations are affected by natural disasters.

Finally, my delegation has repeatedly stated that there is a close relationship among international humanitarian law, the protection of civilians and the concept of the responsibility to protect, as set out in the 2005 World Summit Outcome (General Assembly resolution 60/1). That principle makes the State and its institutions responsible for protecting its citizens from genocide, war crimes, ethnic cleansing and crimes against humanity, and it warns that, if the State does not wish to protect its population or is unable to do so, the international community is obliged to help with that task, or to assume it, through an effective and transparent response. In order to prevent this concept from becoming a mere footnote to history, we must be clear about its definition so that it can provide a concrete mandate for those entrusted with the protection of civilians.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We are grateful to Under-Secretary-General Holmes for his briefing, which was pertinent to the topic under discussion.

The protection of civilians must be the highest priority for Governments involved in conflicts. We emphasize that all parties to armed conflict bear responsibility for ensuring the security of civilians. We vigorously condemn both deliberate attacks on civilians and their deaths resulting from indiscriminate or excessive use of force, which is a violation of international humanitarian law. There can be no justification for armed groups that make use of suicide terrorists and take hostages.

Once again we would like to draw attention to the alarming data cited in the most recent report of the United Nations Assistance Mission in Iraq (UNAMI) with regard to the situation of human rights in that country. Armed groups continue to carry out deliberate attacks and terrorist acts directed against the civilian population. Another source of considerable concern is the activity of private guard enterprises, which often grossly violate the rights of civilians. First and foremost, we are speaking here of the behaviour of such companies in Iraq that have caused injuries to and deaths of civilians, including women and children. It should be emphasized that under international law the responsibility for the actions of such groups in many cases is borne by the States that hire them.

The use of children in conflict is inadmissible, as is inhuman treatment of them. In that context I wish to flag the problem of the detention of minors in military prisons of the multinational forces in Iraq, which contravenes international standards. According to the data in the UNAMI report, those prisons now hold about 900 children who are accused of terrorism and who have had no access to the civilian court system. We support the appeal of the Special Representative of the Secretary-General on Children and Armed Conflict, Mrs. Coomaraswamy, regarding the need for a speedy solution to this problem. It is well know that minors are also being held at the military base in Bagram, near Kabul, and in Guantánamo.

Conflicts remain the major reason for the high level of refugees and internally displaced persons (IDPs) throughout the world. Once again Iraq, unfortunately, is in the lead in that respect, with more than 2.5 million refugees and approximately 2 million IDPs, most of whom have been deprived of basic and fundamental vital human needs. Their problems require an immediate solution. In addition to purely humanitarian factors, they are a difficult burden on the host countries.

The problem of displaced persons is a serious concern with regard to the situation in the Sudanese province of Darfur. Here, we rest our hopes for an improvement of the situation first on the proper functioning of the political negotiating process and the deployment of the African Union-United Nations Hybrid Operation in Darfur.

Serious threats to civilians continue to exist in a number of other conflicts, especially in the Middle East and in Africa.

With regard to the protection of civilians, the disarmament, demobilization and reintegration of former fighters is of great significance. Those programmes require proper support from the United Nations peacekeeping missions.

We favour the interpretation of the concept of the responsibility to protect in accordance with the final document of the 2005 summit (General Assembly resolution 60/1), as a responsibility of each State to protect those individuals under its jurisdiction — protection from genocide, war crimes, ethnic cleansing and crimes against humanity. Moreover, it is the United Nations and the Security Council that bear the task of supporting those national efforts.

The prevention of violence is an objective that is strategic in nature, reaffirming the need to combat impunity for serious violations of international humanitarian law. Here, assistance to those States involved in restoring or establishing independent national judicial systems and institutions should be stressed.

With regard to the idea of creating in the Security Council an expert working group on the protection of civilians, the advisability of such a step seems dubious. Before raising that question, in our view there should be an assessment of the effectiveness and experience of the operations of the first such body, the Working Group on Children and Armed Conflicts.

The United Nations must rapidly and effectively respond to incidents of violence against civilians and to the destruction of civilian facilities during armed conflict. That task requires systematic coordination of measures at the international, regional and national levels. It is important to achieve unswerving compliance by all sides with the norms of international humanitarian law and the relevant decisions of the Security Council. The implementation of documents already adopted by the Council on, inter alia, children and armed conflict and on women, peace and security must be insisted on. They have great potential, and the Council could focus on the assessment of the implementation of its decisions in that sphere and on identifying and eliminating the obstacles.

Mr. Kafando (Burkina Faso) (*spoke in French*): Burkina Faso is grateful to you, Mr. President, for having organized this debate on a question as significant as the protection of civilians in armed conflict. We thank the Secretary-General for his commitment to find solutions commensurate with this problem. The relevant recommendations in his report form an important contribution to the Council's action. We also wish to thank Mr. John Holmes for his statement and for his efforts in the Office for the Coordination of Humanitarian Affairs to meet those challenges.

Many have pointed out that to meet the ever-more-complex needs for the protection of civilians in armed conflict, the international community has established a legal and institutional framework, in particular the Charter of the United Nations and the Fourth Geneva Convention of 1949 and its two Additional Protocols of 1977. In addition, recently the

International Criminal Court, the Special Tribunals and Council resolution 1674 (2006) have reiterated the responsibility of States and of the international community in this area.

With regard to the persistence of violence experienced by civilians in conflict zones, in violation of resolution 1674 (2006), the appeal launched by the Secretary-General during the Council's most recent debate on the protection of civilians in armed conflict (*5781st meeting*) unfortunately has not generated a reaction. It should be recalled that the responsibility to protect civilians under their jurisdiction devolves first and foremost on States, due to their territorial and personal competences. When necessary, the United Nations and particularly the Security Council must see to it that they can bring the necessary assistance to distressed civilian populations, with the assistance and cooperation of Governments.

Millions of civilians, including women, children, the elderly and the disabled, are still being wounded, mutilated and killed because they have been deliberately targeted, sometimes with disproportionate use of military force. The result is an ever-growing number of refugees and displaced persons crammed into camps where they are subjected to inhuman and unacceptable living conditions and conditions for survival. In addition to the many damaging effects associated with overcrowding, those people are sometimes the focus of unacceptable blackmail by the protagonists.

The situation of civilian victims of conflicts is often exacerbated by deliberate restrictions on humanitarian access through attacks on convoys, acts of aggression and the killing of humanitarian personnel, as we have unfortunately seen quite recently in Somalia. That is a major concern for which we must find the appropriate answers, such as humanitarian corridors. In particular, there is a need to provide the means to bring parties to fully respect their obligations within the framework of international humanitarian law and human rights. The same holds true for the protection of journalists, who are often the initial witnesses to civilian tragedies and the only link between those people and the outside world.

It nearly goes without saying that Burkina Faso condemns the use of generalized and systematized sexual violence as a weapon of war and therefore advocates a zero-tolerance policy towards those proven to have committed such acts. We therefore encourage the investigation, trial and appropriate punishment of such individuals.

We are also concerned by the use of cluster bombs and other weapons having excessive and injurious effects on civilians, in particular children. In addition, such weapons hamper access of humanitarian workers to people and therefore have disastrous consequences during and for a long time following conflict, thus making the return of civilians difficult, leading to a deterioration of the environment and destroying much agricultural land. They therefore form an obstacle to the socio-economic reconstruction and development of States. While waiting for the conclusion of the Oslo process, we urge parties to respect the recommendations made in paragraph 65 of the Secretary-General's report (S/2007/643).

The struggle against impunity is an integral part of the protection of civilian populations, including humanitarian workers. My delegation reaffirms its support for all initiatives designed to bring to justice the perpetrators of violations in this sphere.

The best guarantee of respect for the rights of civilians is the creation of conditions ensuring stability and lasting peace in States, in particular through strengthening the rule of law, democracy and good governance. Another element in this strategy is the struggle against trafficking in small arms and drugs, which is also contributing to destabilizing countries and even entire regions.

Together with all of these actions, the Security Council and the Secretary-General must for their part continue to promote preventive diplomacy in coordination with subregional and regional organizations. For ultimately the efforts to protect civilians in armed conflicts must be developed and harmonized in an integrated, inclusive and participatory manner.

Mr. Ripert (France) (*spoke in French*): Allow me to thank the presidency of the Council for this timely meeting and also to thank John Holmes for his introduction to our debate.

This debate is taking place in a very particular context. The Secretary-General and Mr. Holmes have just returned from Burma. Clearly, the situation of the civilian population victims of cyclone Nargis cannot be confused with the situation of the civilian population

victims of an armed conflict. But can we talk about the protection of civilians without talking about the tragedy that we have been watching for weeks now for hundreds of thousands of persons in Burma? Can we talk about access to humanitarian assistance without addressing the obstacles that have unacceptably been encountered in access to Burmese civilians? In the face of such a heavy reality, can the Council retreat into an academic distinction between two types of population: the victims of armed conflict and the victims of a natural disaster? We do not believe that, all the less because the victims of cyclone Nargis are not just the victims of a natural phenomenon.

As our Minister for Foreign Affairs said on 19 May, "The Burmese people are the victims of a two-fold scourge — a natural disaster on an exceptional scale on the one hand and the stubborn obstruction of proposals for emergency assistance on the other. In French national law, that is called 'non-assistance to persons in danger'".

We do not know today whether the assurance given by the Burmese authorities to the Secretary-General, and then at the donors conference that was held in Rangoon on Sunday, will be translated into action. We do not know whether all the international assistance that has been proposed will actually be accepted. We do not know whether the humanitarian agencies will truly have access to the distressed population.

What we do know, however — and I am referring to what Mr. Holmes said on behalf of the United Nations and the Association of Southeast Asian Nations (ASEAN) on Sunday -that only 41 per cent of the population affected by the cyclone has received any assistance, that is, 1 million out of 2.4 million people. What we know is that out of this 1 million people who have begun to receive some assistance, a vast majority are in the Rangoon area; only a minority of victims living in the delta has received help. What we know is that the population in the delta was deprived of the 1,500 tons of food supplies and other relief — the equivalent of 30 cargo planes — that the French ship *Mistral* could have provided starting 15 May.

Finally, what we know — and I am referring again to Mr. Holmes's remarks in Rangoon — is that there is a possibility of a second wave of deaths that will be the result of epidemics and malnutrition.

Do we have to accept this? Should we do nothing and condemn the population of Burma? If the commitment to openness and cooperation undertaken by the Burmese authorities several days ago are not followed by actions, should our Council continue to hide behind a restrictive interpretation of its competencies? Some were surprised to hear Bernard Kouchner talk about the responsibility to protect. But, as we have had the opportunity to emphasize, there is always a risk of slipping from not helping people in danger to crimes against humanity. Must we really wait until we have crossed that threshold before the Council agrees to consider a situation? I will say this clearly: that is not the concept of the United Nations or of the Security Council that France champions.

That is all the more the case, in view of the fact that the concept of non-assistance to persons in danger is not foreign to the international community, least of all to the United Nations. On 8 December 1988, 20 years ago, the General Assembly adopted its resolution 43/131, which sets out, if not legal, then at least political obligations. By virtue of the principle of subsidiarity, it is the territorially competent State that bears the primary role in organizing, carrying out and distributing assistance. If, and only if, that State is not in a position to cope with the situation, because of a lack of means or political will, the international community takes over and replaces the State that is failing to assist the endangered population.

Resolution 45/100, adopted by the General Assembly on 14 December 1990, confirmed the principle of free access to victims of natural catastrophes and other similar emergency situations.

For all those reasons, if the situation does not rapidly change in Burma to the benefit of the population affected by the cyclone, France will not sit idly by in the Council. The Security Council can decide to intervene to force the delivery of humanitarian assistance, as it did in the recent past by opening humanitarian corridors in Kurdistan, Bosnia and Somalia. Was the outrage at those massacres greater than that provoked by those drowned or starving in Burmese countryside?

I have spoken at length about what seems indispensable to us. I shall be more concise on the remainder of the themes related to our debate.

In the view of France, it is indispensable to promote the protection of civilians throughout United

Nations activities, in particular in the context of peacekeeping missions. As the Secretary-General recommended, we think it is useful that States members of the Council take the initiative to meet at the expert level to consider ways and means of more systematically tackling the protection of civilians when peacekeeping operations are set up or when their mandates are renewed. France, together with others, is ready to initiate such meetings. The troop-contributing countries should naturally be associated with these endeavours in some way or another.

In addition, we commend the Office for the Coordination of Humanitarian Affairs for the information it has provided on obstacles to humanitarian assistance to populations in need.

We also hope that all Council resolutions on the protection of civilians are given systematic follow-up. We are thinking, of course, of resolution 1674 (2006). In that regard, we look forward to the adoption of a presidential statement at the end of today's debate, calling upon the Secretary-General to inform us, in the context of his next report, on the implementation of protection mandates by United Nations missions. Another aspect of resolution 1674 (2006) is of great importance for us: combating impunity. The International Criminal Court has a key part to play. The obligation to cooperate arising from the Rome Statute and from Security Council resolutions must be respected.

We are also thinking of resolution 1325 (2000) on women and peace and security. As already stated here, sexual violence is systematically being used as a weapon of war. These are abominable crimes affecting millions of people. Such crimes must be prevented and punished. I welcome in this regard the arrest this weekend of Mr. Bemba, who had been sought by the International Criminal Court for many crimes, especially for sexual violence. I would also like to repeat our preoccupation with reports of abuses involving peacekeeping personnel. The soldiers of peace must have exemplary conduct; the United Nations must see to that.

We are also thinking about resolution 1502 (2003) on the protection of humanitarian personnel and about 1738 (2006) on the protection of journalists.

I also reiterate my commitment as Chairman of the Working Group on Children and Armed Conflict in favour of very effective implementation of resolution 1612 (2005).

I wish to conclude my statement by sharing with members the decision just taken by France in order to contribute to the momentum that has begun even before we see the final text of the treaty now being negotiated, to immediately withdraw the M26 rocket from operational service. This is an important gesture that attests to the responsible attitude of our armed forces. That weapon actually accounts for 90 per cent of our cluster munitions stockpiles.

In doing this, France, which has not used cluster munitions in 17 years, shows that it is possible to reconcile humanitarian demands with the requirements of defence. Following the Oslo Conference on Cluster Munitions in February 2007, France was among the first States to be mobilized by a clear objective: to prevent the humanitarian tragedy caused by cluster munitions.

Mr. Ettalhi (Libyan Arab Jamahiriya) (*spoke in Arabic*): At the outset, I would like to extend my thanks to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for the valuable and comprehensive briefing. We highly value his efforts and endeavours in this field.

The issue under discussion in this meeting, based on the framework of a previous understanding reached in the Council, is one that unites us all. Protection of civilians in armed conflicts is one of the highest legal, moral and religious commitments and is an absolute priority in our work.

At the end of the last century, the Council started to give priority to the commitment. After the civilian tragedies in Rwanda and Bosnia, the first open meeting of the Council was crowned by a presidential statement (*S/PRST/1999/6*) that revealed the growing gap between the provisions of international law and their implementation and emphasized a coordinated and comprehensive method for protecting civilians.

The report of the Secretary-General (*S/1999/957*), issued at the end of the last century, set out specific measures that could be undertaken by the Council within its mandate. It was followed by other reports, the most recent of which was last year's, which determined measures to be taken rapidly and systematically.

The discussions in the Council advanced, and a number of working groups have been established. Many resolutions have been issued, such as 1674 (2006) and 1738 (2006), as well as a number of presidential statements. Most of those resolutions and presidential statements underscored the Council's commitment to protect civilians and to condemn any violations of international humanitarian law, human rights law, refugee law and to combat impunity and safeguard access of humanitarian assistance and the safety of humanitarian workers.

In the 2005 World Summit Outcome document (*General Assembly resolution 60/1*), all States accepted the principle of the responsibility to protect. The most recent report of the Secretary-General noted the advances in the implementation of this principle. The role of the Council has grown in a number of ways, such as combating sexual enslavement, protecting women and children and controlling the spread of small arms and light weapons. Many measures were taken to promote and build national and international judicial capacities to combat impunity from punishment, and some of the activities relating to the protection of civilians were given to peacekeeping operations, whose humanitarian role we highly value. We support the Secretary-General's recommendation of the importance of promoting it.

In addition to what we have said, I regret to say that action is needed in a number of areas in Africa, particularly in Somalia, and in Asia, especially in Palestine. I remind members of what was in the UNICEF documents and in those of the Secretary-General in his briefing concerning the tragic situation existing up to today in the Gaza Strip. Actions include the deliberate and arbitrary military attacks against vulnerable civilian populations, the continuous humanitarian impact of mines and cluster bombs, which have been spread in civilian areas, administrative detention, internal and external displacement, collective punishment, measures to eradicate cultural identity, bulldozing of land and the demolition of property, including refugee camps.

In summary, those are all actions that are criminalized by the provisions of the law, including the provisions of the Fourth Geneva Convention, on the protection of civilians in times of war, which includes occupation and which is ratified by all States. Despite all this, the Council stands idly by and does nothing. That situation reminds us of an old position leading to human tragedies that we all know.

The Security Council, in taking humanitarian action to protect civilians, cannot be selective, far from balanced and transparent. Action must be in accordance with a method supported by an accountability system and specific sanctions. Everyone should submit and comply with the provisions of law and allow none to enjoy impunity.

Finally, I would like to thank you, Mr. President. We are all full of hope that our deliberations will end with tangible and general progress in an issue that is linked to the dignity of humanity.

Mr. Belle (Belgium) (*spoke in French*): I should like first of all to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his statement and his highly relevant comments on the topic of discussion today.

Belgium associates itself with the statement which our Slovenian colleague will be making soon on behalf of the European Union. I would like to limit myself here to a few considerations that are important for my delegation.

Belgium is deeply devoted to having the Security Council periodically revisit the question of the protection of civilians in armed conflicts. Such a review unfortunately has a negative connotation. It reminds us of the lack of progress in the area of the protection of civilians. But such a review also provides the opportunity to take note of positive developments. It allows us to show that when the United Nations acts in a sustained fashion, it can indeed make a difference in the field.

For those who would still doubt the usefulness of this exercise, we would like to recall here both our Charter, which says

> "We the peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind",

and also the Preamble of the Universal Declaration of Human Rights, which says

> "the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people".

We desire those essential objectives of our Organization, to be pursued with the unflagging support of the Security Council for all measures and actions conducive to their achievement. In that context, Belgium advocates more systematic and regular follow-up by the Council, as Mr. Holmes also mentioned in his statement.

During the presentation of the report of the Secretary-General on this question on 20 November 2007 (*5781st meeting*), we already voiced our concern regarding several priority subjects for Belgium: access to victims, sexual violence as an instrument of war and the effect of certain conventional weapons such as cluster bombs, which cause unacceptable damage and suffering to civilian populations. We have already emphasized the important contribution of the Security Council in dealing with those problems with a view to reducing and even eliminating their negative effects.

In this context, we welcome in particular the initiative of the United States to organize, during its Council presidency next month, a ministerial debate focused, inter alia, on the problem of sexual violence in armed conflicts. We are convinced that that exercise will help us in further developing a collective response to this scourge, for which impunity is intolerable.

Under-Secretary-General Holmes has just emphasized the impact of hostilities on civilian populations by citing various examples. Those examples illustrate the diverse nature of conflicts. It is in taking this diversity into account that the Security Council must demand of all parties, without exception, respect for the protection of civilians. Moreover, it must act in concert with all actors in the international community: the United Nations, the International Committee of the Red Cross, civil society, etc.

Finally, access to humanitarian aid is closely linked to the protection of civilians. That relationship is not limited just to the framework of armed conflicts; it can also go beyond. The objective remains, above all else, the protection of civilians. They deserve that everything be done to ensure this, as we have done in Myanmar. If the Security Council can add value here, it should do so to the best of its ability.

Mr. Jurica (Croatia): At the outset, I wish to thank the United Kingdom presidency for the opportunity to discuss here in the Security Council this most important issue of the protection of civilians during armed conflict. I would also like to thank Under-Secretary-General Holmes for his informative and important briefing.

Croatia aligns itself with the statement by the European Union that will be delivered later by the representative of Slovenia.

In our opinion, the question of the protection of civilians in armed conflict deserves more consistent attention in this Council. The statistics over the past 20 to 30 years clearly show that civilian casualties in conflict areas have consistently outnumbered and still outnumber military casualties.

In the twenty-first century, we are still witness to gross violations of international humanitarian law, in which civilians are increasingly and deliberately becoming the prime targets of armed groups. Too many parties to an armed conflict see civilians as a method, rather than a by-product, of war. For example, they do not hesitate to use rape and other forms of sexual violence to destroy the most fragile parts of the society against which they are fighting.

We have read or heard many reports of children under five being raped, and we have to take decisive collective action against such atrocities. We have heard many reports of children being killed, maimed and illegally recruited as soldiers. That goes directly against our commitments of the 2005 World Summit Outcome document (General Assembly resolution 60/1) as well as against Security Council resolution 1674 (2006), which reaffirms the provisions of paragraph 138 and 139 from that document.

The international community should encourage and help States to exercise their responsibility to protect their populations against genocide, war crimes, ethnic cleansing and crimes against humanity. The international community has already expressed its readiness to take collective action through the Security Council when national authorities manifestly fail to protect their populations from the above-mentioned violations of humanitarian law. We should not be seen wanting in the implementation of our commitments.

The protection of civilians comprises the protection of their lives and well-being. Even in the case of natural disasters, civilians deserve protection. My Government strongly supports the efforts of the wider international community in assisting and attempting to protect the victims of Cyclone Nargis in Myanmar/Burma.

On the other hand, if humanitarian access is denied in conflict areas, it is civilians who suffer the most. In such cases the vast majority of victims are women and children, the elderly and the disabled. We are therefore naturally concerned when we hear of cases of Governments and armed groups denying access to humanitarian assistance or using such assistance for political manipulation, including attacks on humanitarian personnel and looting of humanitarian supplies.

We believe that condemnation is not the only collective action that the Security Council has committed to taking. We would encourage all its members to do everything in their power to ensure that parties to armed conflicts worldwide cooperate adequately with the United Nations and other humanitarian organizations.

Another matter of concern is the growing number of internally displaced persons and refugees from armed conflicts. Croatia is very concerned by the security situation in and around refugee camps, especially at those in some areas of Africa — for example, the Democratic Republic of Congo and the Sudan, where children are still being recruited as soldiers and fall victim to rape and other grave violations.

Those situations require peacekeeping missions with a strong, clear and goal-oriented mandates, including the authorization of the use of force, if necessary, to protect civilians. That is just one of the many lessons that the international community has learned from past armed conflicts.

Let us also not forget the importance of the implementation by the Security Council of smart sanctions and other targeted measures against dissenting Governments and armed groups. When taking into account the immediate impact that hostilities can have on civilian populations, it is increasingly important that the Council use its mandate to truly address the underlying causes of conflict so as to help enact real change on the ground for those who truly require it.

If used in conjunction with a holistic approach, as described in our previous debate this month on post-conflict peacebuilding (*5895th meeting*), the Security Council can be the tool that helps foster or, if need be, coerce lasting change for the betterment of civilian populations.

I would like to add two short comments before ending. First, Croatia understands the impact of cluster munitions on civilians, and our remain concerned about their use in armed conflict. We therefore add our support to efforts being undertaken in the international community to negotiate in 2008 a legally binding instrument that would prohibit the use, production and transfer of cluster munitions.

Moreover, Croatia strongly believes that when Governments fail to investigate, prosecute and punish violations of humanitarian law against civilians by members of their own armed forces or committed on their territory, recourse to the International Criminal Court should be considered.

The question of the protection of civilians in armed conflict is a serious matter that requires our serious attention and is, without question, of concern for international peace and security. My country is part of a region that has suffered from armed conflict, and thus we ourselves have witnessed what international will can do for the protection of civilians.

Mr. Natalegawa (Indonesia): I would like to preface our statement by expressing appreciation to the Under-Secretary-General, Mr. John Holmes, for his statement earlier and of course to you, Mr. President, for convening our deliberations this morning.

Every day, news of civilians falling victim to armed conflict feeds the discussion in the Council. In many instances, the intensity of violence is shocking. However, the most tragic situation is when we are immune to the suffering of civilians, when we fail to cope with it or when we consciously decide to ignore it. The Council has an imperative duty to stand for those who are defenceless and in need of protection in times of conflict. Today's meeting will serve to further address the issues surrounding the protection of civilians in a comprehensive and resolute manner.

It is our shared responsibility to alleviate the suffering of victims wherever and whenever it occurs. The specific needs and protection of women and children need to be particularly highlighted.

The safety and security of civilians must be prioritized when security matters are addressed through military measures or military operations. Parties engaged in situations of armed conflict must respect the letter and the spirit of international humanitarian

law. Those universal instruments are one of the foundations of the international system.

However, that alone is insufficient. A comprehensive perspective on this issue entails the relevance of issues of gender and cultural diversity as well, along with an approach that is sensitive to the needs of local populations. All peacekeeping and military operations must be exceptionally mindful of local beliefs, traditions and values. Lack of respect can trigger violence and serious repercussions, which can undo peace processes or operations.

Ending the cycle of violence on the ground is key to the full achievement of any peace process. That can be attained only when all parties concerned on the ground exercise restraint and refrain from any actions that could undermine those efforts. Thus, we are particularly concerned over the continued civilian casualties among Palestinians, including children and women, caused by the indiscriminate and excessive use of force in Israeli military operations in the Gaza Strip. That must immediately come to an end.

We cannot fail to stress the importance of a total ban on cluster munitions and landmines. Those indiscriminate weapons not only have a gruesome impact on the victims; beyond their immediate impact, they damage the environment and the economy of a region. We witness this in many parts of the Middle East and other regions, where the widespread use of cluster munitions has turned arable land into a wasteland. Civilians, including farmers and schoolchildren in over 60 countries, remain under the threat of those inhumane weapons. The affected countries bear a costly burden, and their citizens have to deal with potential death or injury every time they take a step. Indonesia therefore underlines the paramount importance of a total ban of those heinous types of munitions.

With regard to anti-personnel landmines, we welcome the mine action activities of the United Nations, in collaboration with Governments and other international organizations. We underline the importance of mine clearance, victim assistance, mine-risk education and the destruction of stockpiled landmines as part of mine action. We urge countries that hold information about the sites of the mines and other munitions they deployed during a war to share that information, especially with the United Nations, as a basis for further action.

With the growing complexity and intricacy of world matters, the United Nations is surely not in position to tackle all of the issues related to the protection of civilians. Regional organizations have an important role to play in the protection of civilians. It is important to remember that the best preventive medicine for war is fruitful negotiation and dialogue, which is often achieved by inviting the participation of regionally relevant players.

In addition, we are witnessing the increasing role of non-State actors in addressing the plight of civilians in armed conflict situations. We have on many occasions noted with appreciation the role of non-governmental organizations and other civil society organizations.

In that regard, we believe that private aid is also a critical component of a solution to armed conflict and of the attenuation of the suffering of civilians. This can originate from private organizations or philanthropic organizations which have gathered the funds available to those in need. In many cases, they also have the necessary expertise in various fields. That, I believe, would further strengthen our global efforts.

Humanitarian assistance is essential to addressing the plight of civilians in armed conflict. It is therefore very deplorable that irresponsible acts taken against relief workers, humanitarian aid convoys and others engaged in humanitarian assistance to shield the population from the effects of war continue to happen. The deliberate targeting of those individuals is a crime, and we should invoke the relevant international laws, including the 1994 Convention on the Safety of United Nations and Associated Personnel and its Optional Protocol, for that purpose.

Finally, let me reiterate that our efforts should be focused on maintaining momentum by strengthening the efforts of the United Nations system, Member States and other stakeholders working as a whole in a coordinated, coherent, comprehensive and cooperative manner. An approach that includes development and humanitarian dimensions is required and should be supported by the political will of States to ensure that civilians are protected in times of war and in times of peace.

The President: I shall now make a statement in my capacity as representative of the United Kingdom.

I am grateful to the Under-Secretary-General for Humanitarian Affairs for his briefing today. In the view of the United Kingdom, the protection of civilians is central to the Security Council's work. It matters morally and it matters legally. It matters because effective protection of civilians increases the possibility of achieving a sustainable peace in any given conflict. Protecting civilians helps reduce further violence caused by the deep frustration and tensions that result from displacement, human rights abuses and revenge attacks. Like others, we believe that a more consistent and systematic consideration of the protection of civilians by the Council would lead to progress in our ability to act to protect those whose lives have been torn apart by conflict. We hope to continue our dialogue with other Council members to find the best way to do that. We look forward to the next report of the Secretary-General, which will inform our efforts.

The Council will also have a chance to review the effectiveness of United Nations action to protect civilians next week when we are in Africa and will talk to United Nations teams and political leaders in Somalia, Sudan and the Democratic Republic of the Congo, three countries where the challenge of protecting civilians is especially acute.

As well as protecting civilians in situations of armed conflict, the international community has committed itself to assist States that are under stress before crises and conflicts break out. In that regard, we reaffirm our support for the concept of the responsibility to protect, as agreed by Member States at the World Summit in 2005. It is an important commitment, which should result in earlier and more decisive action to prevent genocide, war crimes, ethnic cleansing and crimes against humanity.

The scourge of sexual and gender-based violence was rightly highlighted in Mr. Holmes's briefing. It is another element that undermines efforts to secure a lasting peace. The targeted use of sexual violence, sometimes as a deliberate weapon of war, is an unacceptable practice that is not only terrible in itself, but also has a destabilizing effect on post-conflict peacebuilding. As the Under-Secretary-General has said, we must end the climate of impunity that fuels those grave abuses. We listened with interest to his ideas on accountability and look forward to discussing these issues further next month under the United States presidency of the Security Council.

As the Secretary-General has said, humanitarian access is the fundamental prerequisite for humanitarian action and protection. We have heard today that there are many reasons why humanitarian access is not always possible. We welcome the work of the Office for the Coordination of Humanitarian Affairs on this issue. Some obstacles are caused by geography. But when the obstacles are man-made and malign, for example in the imposition of bureaucratic impediments, it is incumbent upon all of us to ensure that those obstacles are challenged and removed.

It is only by putting in place mechanisms to reduce the suffering of civilians in armed conflict and ensuring their protection that we can succeed in our attempts to bring an end to conflict and establish sustainable peace.

I agree with those other Council members who shared Mr. Holmes's concern that humanitarian access is also a critical issue in situations of natural disaster, as we see currently in Burma. We welcome the Secretary-General's leadership on that issue. As Under-Secretary-General Holmes said, the implementation of the agreements reached in Rangoon this weekend is now the key. The eyes of the world remain very much on the terrible situation there.

I now resume my functions as President of the Security Council.

I give the floor to the representative of Australia.

Mr. Windsor (Australia): Where we cannot prevent armed conflict, the protection of civilians is and must remain an absolute priority. Australia therefore welcomes the attention the Security Council has rightly focused on this issue. I wish to express my thanks to the United Kingdom for convening this important debate and to the Emergency Relief Coordinator for his update briefing earlier this morning.

It is clearly apparent that the plight of civilians in modern conflict remains dire. They continue to account for the vast majority of casualties. The situation must be addressed as part of any comprehensive international response to conflict.

United Nations peacekeeping is one tool we can use to address that situation, but it is important that we use it wisely and effectively. Protection of civilians tasks are now mandated in eight of the 20 peace operations led by the Department of Peacekeeping

Operations (DPKO), but there is a need to develop clear guidance to implement them. We must bridge the gap between our words and our deeds, and we call upon the Council to implement paragraph 16 of resolution 1674 (2006) fully to ensure the provision of clear guidelines regarding what missions can and should do to achieve protection goals. Australia also calls upon the broader membership to ensure that United Nations peace operations are properly resourced to carry out their mandates.

We look forward to the outcome of the joint study being undertaken by the Office for the Coordination of Humanitarian Affairs and DPKO on the implementation of protection tasks, and we would also welcome an update of the aide memoire to reflect the increasing focus on physical protection.

Some armed conflicts witness the perpetration of heinous mass atrocity crimes. In 2005, world leaders recognized the responsibility we all share to protect vulnerable communities from genocide, war crimes, ethnic cleansing and crimes against humanity. While it is the primary role of States to protect their own populations from those evils, the international community has a responsibility to assist States to exercise that responsibility and, in appropriate circumstances, to take collective action, consistent with the Charter, to prevent such mass atrocity crimes.

More must be done to develop a practical approach for implementation of the responsibility to protect principle. We welcome the Secretary-General's appointment of Mr. Edward Luck as his Special Adviser to focus on the conceptual development of the principle. Australia looks forward to working with Member States to continue our consideration of the principle and to give effect to it in appropriate circumstances.

Just as the international community has a responsibility to protect communities from such mass atrocity crimes, so too do we have a responsibility to bring those who abuse fundamental principles of international law to justice. We must renew our commitment to end impunity for those who commit mass atrocity crimes and to increase accountability for crimes against civilians.

In conclusion, Australia remains committed to working with partners in the international community to translate our words into action in an effort to protect civilians in armed conflict. Australia will work to ensure that United Nations missions on the ground are provided with clear guidance and adequate resources to fulfil their mandates. We will work to prevent the commission of mass atrocity crimes, and we will work to ensure that perpetrators of abuse are held accountable for their actions.

The President: I call on the representative of Canada.

Mr. McNee (Canada): I would like to thank you, Sir, for convening this important debate today. We would also like to express our appreciation to Under-Secretary-General Holmes for his comprehensive briefing to the Council.

Before addressing the core issues of today's debate, I would like briefly to touch on several key humanitarian situations that have commanded the world's attention in recent weeks. The impact of cyclone Nargis in Burma and the earthquake in China have reminded us of nature's sometimes devastating power. Canada offers its sincere and heartfelt condolences to the friends and families of the deceased and missing.

In Burma, it has now been more than three weeks since the cyclone struck, yet humanitarian access remains, at best, inconsistent. The 25 May conference offered some hopeful signs of stronger cooperation between the Burmese authorities and the international community. However, in many cases, United Nations and other humanitarian actors still await visas. For those who have received visas, access to affected populations is not yet guaranteed. We call on the Burmese authorities to provide full and unhindered access to areas affected by the cyclone to help deliver aid to those most in need. That is urgent; the window of opportunity to save lives is closing rapidly.

It is also clear that the consequences of armed conflict are deadly for civilians in many countries around the world. The deliberate targeting of and attacks on civilian populations, forced displacement, sexual violence and the denial of land and property rights are far too prevalent for millions of people globally.

In the Sudan, the Democratic Republic of the Congo, Sri Lanka, Burundi and Somalia, civilians are quite simply part of the calculus of conflict. In Afghanistan, indiscriminate acts of violence, such as suicide bombings, serve as a potent reminder of why

support for the Afghan Government is so important. Without a continued commitment to long-term peace and security, civilian protection cannot be guaranteed.

All of that illustrates the point that, despite the significant gains that have been made over the past decade, there is a great deal of work left to do. In that respect, the Secretary-General's report last year on the protection of civilians offers us an important road map when considering the question of next steps.

Increasingly, the question of humanitarian access remains the critical challenge for the Council and Member States. Member States have a collective interest in ensuring safe and unhindered humanitarian access to civilians in need. That is not simply a hope; it is a fundamental principle of international humanitarian action and should not be open to interpretation. Yet full, safe and unhindered access — so critical to providing life-saving relief and support to vulnerable populations — remains an elusive goal.

Canada strongly supports the commitment made by the Emergency Relief Coordinator to develop a monitoring and reporting mechanism to understand and address access constraints. However, the Council must be prepared to act — drawing on the full range of tools at its disposal — when access is systematically delayed or denied. Those who refuse access cannot be allowed to act with impunity. Enhanced accountability, underscored by a clear demonstration by the Council that systematic denial of access will not be tolerated, is more important than ever.

Among the many protection challenges facing us, sexual violence against women, girls, boys and men remains particularly stark. We need look no further than the eastern Democratic Republic of the Congo to understand the prevailing culture of impunity. Thousands of incidents of sexual violence are perpetrated with virtually no prosecutions. Clear resolve on the part of the Council to prevent sexual violence is essential. Canada believes that the Council should underscore that there will be no impunity for perpetrators.

Strengthening the Council's protection framework for children can help address protection challenges linked to sexual violence.

(*spoke in French*)

More broadly, Canada calls on States to cooperate in the four countries in conflict or in post-conflict situations in which the International Criminal Court is active: the Sudan, the Central African Republic, the Democratic Republic of the Congo and Uganda. Perpetrators of serious international crimes must be held responsible for their acts.

Finally, let me reaffirm Canada's support for the Secretary-General's 2007 proposal to establish a Security Council working group on the protection of civilians. We urge members of the Council to welcome that recommendation. Moreover, it is important that any such group be results-driven. That means that it must be allowed to offer clear recommendations and courses of action for Council consideration in instances where protection concerns remain acute.

We are fast approaching the 10-year anniversary of resolution 1265 (1999), a landmark in the protection of civilians. The endorsement of subsequent resolutions on a range of protection issues, including resolution 1674 (2006), as well as the inclusion of strong protection references in country-specific resolutions, is an important demonstration of the Council's commitment to that issue. The Council now has at its disposal a sophisticated and flexible framework for action, including in instances of genocide, war crimes, ethnic cleansing and crimes against humanity.

In conclusion, we must refocus our efforts. Canada remains committed to protecting civilians from deliberate targeting and abuse. In that regard, our collective resolve is more important than ever.

The President: I now call on the representative of Qatar.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): Mr. President, we wish to thank you for convening this thematic debate on the protection of civilians in armed conflict. I also wish to thank Mr. Holmes for his very important and comprehensive briefing. The last report of the Secretary-General on the protection of civilians in cases of armed conflict (S/2007/643) analyzed some of the challenges that the Council should face. We agree, in principle, that it is indeed important that the international community should implement the principle of protection in accordance with the final document of the 2005 World Summit, which should take place through joint multilateral action in accordance with the United Nations Charter. We also support the continuation of efforts in the General Assembly to define the nature and scope of protection

and human security within the limits of strict and unequivocal respect for the sovereignty of States, and to treat each case on its own merit.

The subject of today's debate is an issue that should be considered in depth and defined by the international community. The region to which I belong has suffered its wars, especially in the occupied Arab territories in the Middle East, and in Somalia, Iraq, Afghanistan and south Lebanon, whose population are suffering from the landmines and cluster bombs that were planted and dropped by the occupation. Similarly, the civilians in the areas of rebel activities in Sudan are suffering the consequences of the activities of armed groups.

It is, indeed, easy to call for establishing mechanisms for protection within the multidimensional United Nations missions. Yet, the real challenge remains in how to implement the principle of protection in cases where the suffering of millions of civilians and their right to protection and security is being ignored, for political reasons, as with the civilians in Palestine, Somalia, Iraq or Afghanistan, who under the yoke of occupation are in dire need of humanitarian assistance and protection from killing and murder. This is an issue that demands genuine, sincere and noble intentions, and we ask ourselves when there will be the necessary political will to enable the United Nations organs, especially the Council, to fulfil their role in the protection of civilians — so that humanitarian assistance will, obligatorily, reach the areas under occupation and those responsible for the violation will be held accountable — while pressure is being put on several States in the name of protection and human security. We believe that crimes against humanity should be dealt with without discrimination or selectivity. The deliberate targeting of civilians, extrajudicial killings and the indiscriminate bombardment by the occupying Power are crimes that violate the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War. No less a crime is the killing of journalists and the bombardment of information and media premises — all these are crimes that should be condemned and not be ignored — they are no less dangerous than crimes taking place in south Lebanon and in Sudan last year. No doubt some groups of civilians deserve special protection, such as children, women, and vulnerable groups of society in accordance with international law, international humanitarian law and the laws on refugees as well as the relevant international conventions, such as the Fourth Geneva Convention and its additional protocols, which international jurisprudence considers binding on all Member States.

The State of Qatar has assumed responsibility to make use of these instruments, to accede to them and to implement them through national legislation, and to conduct mass information campaigns and to train national officials and cadres. The State of Qatar supports the United Nations promoting these instruments and supports providing the Secretariat with objective information regarding the status of their implementation in accordance with the relevant United Nations resolutions. We must be far-sighted and comprehensive in the options to limit the dangers feared by civilians, which means we should take measures to prevent conflicts and settle conflicts through diplomatic and peaceful means whenever possible. We should promote friendly and sincere bilateral efforts on the part of regional organizations and support them through the United Nations. The best example of this is what happened a few days ago in Doha, the capital of my country, where there was agreement among the Lebanese factions to put an end to the crisis afflicting their country. That event was supported by the Council as soon as it was announced, since promoting genuine dialogue through impartial mediators is the best way to put an end to violence and to stop subjecting individual civilians to danger.

The President: I now call on the representatives of Switzerland.

Mr. Maurer (Switzerland) (*spoke in French*): First of all, Switzerland would like to stress the importance of the obligations contained in the Geneva Conventions and their Additional Protocols. It is clear that only increased respect for and better implementation of international humanitarian law by all the actors concerned will make it possible to alleviate the suffering and better protect civilians, who are the main victims of conflicts.

While the parties to a conflict are primarily responsible for complying with and for implementing international humanitarian law, it is equally important for other actors to be involved. Switzerland would, therefore, once again like to invite the Council to demand in its resolutions that all parties to a conflict, as well as peacekeeping forces, abide by their

obligations under international law. Moreover, we would like to reiterate that respect for and implementation of international law are indissociable from the fight against impunity. Although this task is primarily the responsibility of national jurisdictions, the International Criminal Court plays a vital role when national jurisdictions are unable to prosecute persons suspected of committing international crimes. It is, therefore, essential that the Council ensure, whenever necessary, that States cooperate fully with the Court.

I would like to endorse the words of Under-Secretary-General Mr. John Holmes and will concentrate on two aspects. First, the five initiatives presented in his report contain concrete and realistic recommendations. Here, the establishment of a group of experts on the protection of civilians is an important proposal that should be implemented as a priority. Switzerland intends to support it once it has been set up.

We support the Secretary-General's proposal for a systematization of reports to the Council on situations where there are serious difficulties of access. Switzerland also believes that humanitarian access should be the subject of systematic follow-up and analysis, using clear indicators that have been established in advance in order to ensure that the Council is duly informed of the main problems and challenges in this area. The experience of the Council's working group on children and armed conflict is an interesting example. The best practices drawn from this group could be integrated into the evaluation of the problem of access. We invite the Council to take into account the ongoing work that uses those indicators and to encourage debates on this basis.

At a different level, a meeting of experts on the subject of humanitarian access in situations of armed conflict will be held from 30 June to 1 July 2008 in Montreux in Switzerland at the invitation of my Government. The main purpose of this meeting will be to discuss and identify measures to improve humanitarian access in armed conflicts, taking into account the existing legal framework and the realities on the ground. It is my hope that the results of this meeting will be useful to the Council.

To return to my second point, persons displaced in their own countries in situations of increased vulnerability have specific needs, both in terms of protection and of assistance. For 10 years, the guiding principles on internally displaced persons have demonstrated their relevance and effectiveness.

We would like to draw the Council's attention to the interdependence between peacebuilding and the taking into account of the needs of displaced persons. On the one hand, the non-resolution of the issue of displacement can lead to instability that can jeopardize efforts aimed at restoring peace. On the other hand, solutions to the issue of displaced persons cannot be lasting unless their needs as regards security, access to basic services, property rights, justice, reconciliation, reparation and post-conflict reconstruction and political transition have been met.

In that context, the recommendations made by the Representative of the Secretary-General on human rights of internally displaced persons deserve to be taken into account by all parties concerned during the negotiation and peacebuilding process, including the Security Council. In particular, Switzerland urges the Council to take into consideration the framework for durable solutions that has been developed by the Representative of the Secretary-General, which provides an important tool for action in the search for lasting solutions for the millions of displaced persons.

The President: I now give the floor to the representative of Slovenia.

Ms. Štiglic (Slovenia): I have the honour to speak on behalf of the European Union (EU). The candidate countries of Turkey and Croatia, the countries of the Stabilisation and Association Process and potential candidates of Albania, Montenegro and Serbia, the European Free Trade Association country member of the European Economic Area, Iceland, as well as Ukraine, the Republic of Moldova, Armenia and Georgia, align themselves with this statement. In the interest of time, I shall deliver an abbreviated version of this statement. The complete official version is now being distributed in the Chamber.

At the outset, I would like to thank you, Mr. President, for the opportunity to discuss the issue of the protection of civilians at this important thematic debate of the Security Council. I would also like to thank Under-Secretary-General Holmes for his comprehensive and compelling briefing.

The European Union is appalled by the number of civilians who continue to be victims and targets in armed conflicts. It is a sad reality that the changed

nature of contemporary conflicts has placed the safety and security of unarmed men, women and children at even greater risk. We strongly believe that the situation of civilians in armed conflict would be more encouraging if the existing provisions of international humanitarian law and international human rights law were applied and observed.

It is our opinion that concerns for the well-being and protection of civilians need to be mainstreamed into the activities of the Organization, and in particular into the decision making process of the Security Council — while recognizing that conflict prevention is a multi-stakeholder endeavour that also embraces civil society and the business community.

The European Union commends the steps taken to strengthen the normative framework for the protection of civilians. In particular, we have welcomed the endorsement by heads of State and Government at the 2005 World Summit of the responsibility of each State to protect its population from genocide, ethnic cleansing, war crimes and crimes against humanity. That recognizes the primary responsibility of States for protecting their own populations, but also underscores the shared responsibility of the international community to help in that regard.

We also welcomed resolution 1674 (2006), which reaffirmed the responsibility of the international community to protect civilians from those appalling crimes when national authorities manifestly fail to protect them. That was truly a decision of historic magnitude, but it has not yet led to a sea change in the protection of civilians worldwide. The European Union emphasizes the need for further consideration by the Security Council of the responsibility to protect, as well as by the General Assembly, in order to find a practical approach to its implementation.

An important aspect of protecting civilians in armed conflict is safe, timely and unimpeded passage of humanitarian relief for civilians in need. We are deeply disturbed by the increase in attacks deliberately targeting humanitarian workers. We would like to emphasize that reaching those in need is a fundamental principle of humanitarian assistance, and that facilitating the passage of humanitarian relief for civilians is required under international humanitarian law. We call upon all parties to armed conflict to comply with the relevant provisions of international humanitarian law, and in particular to stop attacking humanitarian workers.

It is equally important to highlight that women, children, older persons and persons with disabilities, as well as other vulnerable groups, are especially affected by armed conflicts. Given the particular vulnerability of women and girls, sexual violence seems to continue unabated, including in its most worrisome form as a policy to intimidate a civilian population. The European Union is deeply concerned about the continued use of sexual violence as a method of warfare that each year destroys the lives of thousands of women and girls, as well as men and boys. It is unacceptable that United Nations officials should be inactive witnesses to such atrocities or, even worse, be part of such acts. We therefore reiterate our full support for the zero-tolerance policy regarding sexual abuse and exploitation by United Nations personnel. In addition, we have also adopted the same policy in our own European security and defence policy operations.

The primary responsibility for preventing and addressing sexual violence lies with Member States. Nevertheless, combating sexual violence and the impunity on which it thrives requires efforts by the whole international community, including the Security Council. The Security Council should send a clear message of deterrence by referring situations of grave incidents of rape and other forms of sexual violence to the International Criminal Court.

While addressing the vulnerability of civilians, we should also bear in mind the needs of refugees and displaced persons. The European Union calls for ensuring their protection, in particular by maintaining the security and civilian character of camps for refugees and internally displaced persons. Furthermore, the need to address the issue of housing, land and property becomes highly significant as people are forced to leave their homes and lands.

Another issue that needs to be addressed is that of cluster munitions. Our aim is to conclude a legally binding instrument prohibiting the use, production, transfer and stockpiling of cluster munitions, which cause unacceptable harm to civilians.

Controlling small arms and preventing violence are multifaceted problems. The protection of civilians cannot be addressed comprehensively unless small-arms control policies are integrated into that framework.

One of the last points that we would like to make pertains to the fact that we continue to be appalled at the high degree of impunity that has been allowed to exist, which sends the message that the international community is not prepared to take action, even when fundamental human rights are breached. There is no doubt that perpetrators of crime must be held accountable for their actions; but, regrettably, impunity prevails in many cases of conflict owing to the lack of action. That impunity often leads to a circle of violence.

The role of the International Criminal Court is clearly central in the fight against impunity in general. The Court is seized with a number of situations, and, more importantly, its activities and its very existence have also had a preventative effect. The European Union encourages members to provide their full support to the International Criminal Court by acceding to the Rome Statute. We also call on all Member States, especially States parties to the Rome Statute, to cooperate fully with the Court. Universality and our full support are crucial if we are to end impunity for the perpetrators of the most serious crimes against civilians. When we succeed in establishing the rule of law and proper judicial systems, we will have contributed greatly to durable peace and stability.

We have highlighted the primary responsibility of Member States and the increased importance of regional actors, peacebuilding and prevention strategies. What is now required is a more systematic assessment of the lessons we have learned. Equally important is the provision of reliable data to the Security Council through monitoring and reporting, so that the Council can develop targeted and effective strategies for civilian protection.

Nevertheless, fundamental to the protection of civilians is the resolution of the conflicts that cause their suffering. In order to reach this goal, we need to continue the hard work to establish concepts of conflict prevention and reach peace, to which the European Union remains firmly committed.

The President: I now give the floor to the representative of Argentina.

Mr. Argüello (Argentina) (*spoke in Spanish*): Mr. President, my delegation would like to thank you for having convened this open debate on the protection of the civilians in armed conflicts. This topic is of particular importance since it is one of the main elements of Argentina's foreign policy, consisting of the defence of human rights and international humanitarian law and the fight against impunity in all areas.

As it is known, the civilian population is most affected by armed conflicts, whether they be international or domestic. No national security considerations can prevail over the primary obligation of the States and parties to a conflict to protect the population from genocide, war crimes, ethnic cleaning and crimes against humanity.

We share the views of previous speakers in this regard who underlined, inter alia, the importance of ensuring that the mandates of United Nations peacekeeping and peacebuilding operations include provisions for the protection of civilians, the prevention of sexual violence, and guaranteeing security in and around camps for refugees and internally displaced persons and the full, unhindered access of humanitarian personnel to assist civilians affected by armed conflicts.

However, for the sake of conciseness, I would like to focus on a specific topic that we consider essential and a priority in order to be able not only to better protect civilians in armed conflicts but also to promote a more efficient collective security system. I am referring to the fight against impunity.

We consider that the best incentive to dissuade potential perpetrators of war crimes, genocide and crimes against humanity from committing such atrocities is the fear that there exists a real possibility that they will have to appear before justice to answer for their crimes. On the other hand, from the perspective of peacekeeping and international security, we consider that it is increasingly obvious that the best way to consolidate peace and national reconciliation after a conflict is to avoid impunity.

The Security Council has substantially contributed to the international regime for protection of civilians through its resolutions 1265 (1999), 1296 (2000), 1674 (2006) and 1738 (2006). At the same time, the Council has been given a clear mandate by the General Assembly to take collective action should peaceful means be inadequate and should national authorities manifestly fail to protect their civilian population. In that regard, during Argentina's term on the Security Council in 2005 and 2006, our country not only propelled the adoption of resolutions 1674 (2006)

and 1738 (2006), it was also among those that voted in favour of resolution 1593 (2005), by which for the first time the Council, acting under Chapter VII of the Charter of the United Nations, decided to refer the situation in Darfur to the Prosecutor of the International Criminal Court.

In cases where we cannot prevent abuse of civilians, at least we should ensure that their perpetrators and those who bear political responsibility for violence against civilians are held accountable for their actions. We therefore believe that cooperation of States with the International Criminal Court and other international mechanisms that are fighting genocide, war crimes and crimes against humanity is essential, and it is also indispensable for the Council to take steps it considers appropriate to encourage and facilitate such cooperation when it is not otherwise forthcoming.

The President: Now for the last speaker in our session this morning, I give the floor to the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): The increasing victimization of civilians in armed conflict is a sad and well-documented fact. While civilian populations have always suffered disproportionately from the consequences of armed conflict, modern warfare and the changed nature of armed conflicts have exacerbated their situation.

The Security Council's decisions and actions have a strong and immediate impact on the situation of civilians in armed conflicts. That special responsibility should be expressed through a more consistent and more permanent engagement. We therefore support the recommendation of the Secretary-General to establish an expert-level working group among Council members.

We have witnessed an erosion in respect for international law relevant to the protection of civilians. The law of armed conflict, or international humanitarian law, is one of the core achievements in the history of international law, and the Council has a particular responsibility to promote its observance.

A central element in this respect is a clear commitment to fight impunity. The establishment of a number of ad hoc and hybrid tribunals was an expression of such a commitment. The key role in the fight against impunity, however, falls on the International Criminal Court. While the Court is seized with a number of specific cases, including situations on the Council's agenda, its activities and mere existence also have a preventive effect in conflict situations beyond those under investigation.

The Rome Statute attributes certain functions to the Security Council, including the possibility of referring situations to the Court. In March 2005 the Council exercised this function in connection with the situation in Darfur. More than two years later, the Council must follow up with action to ensure cooperation in the arrest of the persons indicted by the Court. The Council's upcoming visit to Africa offers a unique opportunity for doing so.

Beyond the execution of arrest warrants, full cooperation is needed in other areas as well. In the interest of effective protection of civilians, all organs of the United Nations as well as individual States should extend such cooperation — not just States parties to the Rome Statute, even though of course only States parties have a legal obligation to cooperate. The jurisdiction of the Court extends to a number of crimes that are still being perpetrated on a large scale and sometimes systematically and as part of a policy of intimidating civilian populations. Sexual and gender-based violence and the recruitment of children as soldiers or for other purposes in connection with armed conflicts play a sadly prominent role in this respect.

Access to civilians in armed conflicts and in other emergency situations is vital for effective humanitarian assistance. Too often access is unsafe, provided too late or is far from unhindered. In Somalia and Darfur, for instance, access to the populations affected is severely limited, and significant numbers of people cannot be assisted by humanitarian agencies. In other situations, access is used as a tool in political bargaining, at the expense of the civilian population.

It is worth recalling that facilitating rapid and unimpeded passage to relief activities for civilians is an obligation under international humanitarian law. Both the Council and the General Assembly must therefore give more attention to the question of access, including in specific situations. We thus welcome the efforts of the Emergency Relief Coordinator to set up a mechanism for reporting on and analysis of access constraints in conflict settings. We look forward to receiving that analysis as part of the next report of the Secretary-General.

The protection of civilians is particularly fragile when those who should provide it are themselves at risk. Today more than ever, the safety and security of United Nations and associated personnel continue to be jeopardized. Humanitarian personnel in particular often face life-threatening risks when carrying out their duties. Against that background, the number of States parties to the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel remains very low and must increase.

The safety and security of humanitarian personnel has long been a priority for us, and we are currently one of only two countries financing the Saving Lives Together initiative, which aims to provide better security for the United Nations, international organizations and non-governmental organizations in the field. We will continue our financial support for that initiative this year and hope that other donors will join us.

The consensus decision at the 2005 World Summit to accept the concept of the responsibility to protect was of historic magnitude, but it has not yet led to a paradigm shift in the protection of civilians. We believe that it is time to operationalize this concept and that the relevant discussions must be carried out with the necessary conceptual clarity. The responsibility to protect, as defined in the Summit Outcome Document (General Assembly resolution 60/1), is not as such linked to armed conflicts, but to the crimes listed in the Outcome Document: genocide, war crimes, ethnic cleansing and crimes against humanity. Some of those crimes do not necessarily occur in situations of armed conflict and therefore do not require a connection to armed conflict. The responsibility to protect concept is thus highly relevant to the discussion we are having today, but protection-relevant situations also occur outside of armed conflicts.

The President: There are still a number of speakers remaining on my list for this meeting. I intend, with the concurrence of members of the Council, to suspend this meeting until 3 p.m.

The meeting was suspended at 1.05 p.m.